

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-23331 - APPLICANT: MAIL FOR YOU, INC. - OWNER: SAHARA DURANGO LIMITED PARTNERSHIP

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for an Auto Title Loan use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Auto Title Loan Use within an existing Financial Institution, Specified with waivers to allow a distance separation of zero feet from a parcel zoned for residential use where 200 feet is the minimum separation required, to allow a distance separation of 100 feet from an existing Financial Institution, Specified and Auto Title Loan use where 1,000 feet is the minimum required, and to allow a 565 square foot establishment where 1,500 square feet is the minimum floor area required at 8635 West Sahara Avenue.

The applicant requests this use to add to its current mail box and check cashing/payday loan services. Approval of this request would allow a greater concentration of auto title loan uses in this area. As there is no hardship to warrant support of the waivers, and the use is deemed incompatible with existing land uses, denial is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/15/84	The City Council approved a Rezoning (Z-0054-84) from N-U (Non-Urban) to C-1 (Limited Commercial) on the subject site as part of a larger request on 659 acres. The Planning Commission and staff recommended approval.
06/12/86	The Planning Commission approved a request for a Plot Plan Review [Z-0054-84(C)] for a proposed 127,500 square foot shopping center on 15 acres on the south side of Sahara Avenue, between Durango Drive and Lake Sahara Drive. Staff recommended approval.
07/09/87	The Planning Commission approved a request for a Plot Plan Review [Z-0054-84(5)] for a proposed restaurant and lounge at the southwest corner of Sahara Avenue and Durango Drive. Staff recommended approval.
08/25/87	The Planning Commission approved a request for a Plot Plan Review [Z-0054-84(7)] for the expansion of an approved retail commercial center at the southeast corner of Sahara Avenue and Lake Sahara Drive. Staff recommended approval.
01/22/03	The City Council approved Ordinance #5561 establishing titles and definitions for the uses "Financial Institution, General With Drive-Through," "Financial Institution, General Without Drive-Through," "Financial Institution, Specified," and "Auto Title Loan." The use "Auto Pawn" was also made to require a Special Use Permit in the C-M Zoning District.
09/13/07	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #46/ss).

<i>Related Building Permits/Business Licenses</i>	
07/01/87	A business license application (M07-1103) was submitted for a mail box service at 8635 West Sahara Avenue. The date of license issuance is unavailable.
05/14/99	A building permit (#99009249) was issued for a smog check facility at 2535 South Durango Drive on the subject site. A final inspection was completed 09/03/99.
03/16/01	A business license (C22-00001) for check cashing was issued at 8635 West Sahara Avenue. The license changed owners on 03/18/04.
10/03/01	An existing business license (M09-00005) for a mail box service at 8635 West Sahara Avenue was reclassified by the Department of Finance and Business Services. The date of issuance of this license is unavailable.
<i>Pre-Application Meeting</i>	
06/27/07	The applicant discussed plans to offer auto title loans within an existing mailbox service facility. In order to qualify for the use, base conditions must be satisfied; however, a waiver of the 1,500 square foot floor area requirement is needed, per the building file for this site. A complete Project of Regional Significance questionnaire must be filed with the application.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
08/07/07	The subject site is an established business in an existing office/retail center consisting of multiple buildings. A convenience store with gasoline pumps is adjacent to the north. A mailbox and public pay phone are located outside the front door. The site displays advertisements for mail services, including check cashing and payday loans. An additional sign advertising payday loans is located on the south elevation of a former smog facility on the property that faces Durango Drive. Another payday loan and auto title loan establishment is located in an in-line strip center across Durango Drive.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.56; full commercial subdivision is 13.84 acres (Lakeside Plaza)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Private Golf Course	PR-OS (Park/Recreation/Open Space)	R-PD4 (Residential Planned Development – 4 Units per Acre)

South	Residential Condominiums	MLA (Medium-Low Attached Residential)	R-PD12 (Residential Planned Development – 4 Units per Acre)
East	Retail Commercial, Financial Institution, Specified	CG (Commercial General – Spring Valley, Clark County)	C-2 (General Commercial - Clark County)
West	Motel	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan*		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

*The subject site is located within the Lakes, which is not governed by special development standards.

INTERAGENCY REVIEW

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a “Project of Regional Significance,” as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. The following comments were received:

The Las Vegas Valley Water District has determined that the project will not have a significant impact on the capacity of the District’s water system.

The Flood Control Section of the City of Las Vegas Department of Public Works has no comment and does not require a drainage study for this project.

No other comments were received.

DEVELOPMENT STANDARDS

Pursuant to 19.08, the following development standards apply to the subject site:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	5.56 acres	Y
Min. Lot Width	100 Feet	296 feet	Y
Min. Setbacks			
• Front	20 Feet	96 Feet	Y
• Side	10 Feet	35 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	135 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center*	30,548 SF	1 space/ 250 SF	118	5			
SubTotal			118	5	313	6	
TOTAL			123		319		Y

*The shopping center is part of a commercial subdivision that includes restaurants, offices and retail shops on other parcels, with cross access permitted. The Shopping Center use allows all restaurant, retail and personal services uses to be calculated at the ratio of one space per 250 square feet. The proposed Auto Title Loan use would be located within the shopping center nearest the corner of Durango Drive and Sahara Avenue.

Waivers		
Request	Requirement	Staff Recommendation
(1) To allow a distance separation of zero feet from a parcel zoned for residential use	Separation of at least 200 feet	Denial
(2) To allow a distance separation of 100 feet from an existing Financial Institution, Specified and Auto Title Loan use	Separation of at least 1,000 feet	Denial
(3) To allow floor area of 565 square feet	Minimum 1,500 SF	Denial

ANALYSIS

An Auto Title Loan use is proposed to be added to the services added at an existing mailbox service, which has been classified as a “Financial Institution, Specified” since it began offering check cashing services in 2001. No Special Use Permit has been granted for the use at this site, as the license for check cashing was obtained prior to the establishment of the use in 2003. Currently, a C-1 (Limited Commercial) District permits both the Financial Institution, Specified and Auto Title Loan uses with approval of a Special Use Permit.

An Auto Title Loan use is defined as “a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.” The suite encompassing the use is 565 square feet and contains a customer counter and waiting area, office space, a row of mailboxes, an employee counter and a rest room.

The Auto Title Loan use requires the following minimum conditions to be met for approval of a Special Use Permit (* indicates a non-waivable condition):

- *1. The use shall comply with all applicable requirements of LVMC Title 6.
- *2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed 30 days.
4. Window signs shall not:
 - a. Cover more than 20 percent of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).

7. No auto title loan use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than 1,000 feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Requirement 7, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

In regard to “1”: The Auto Title Loan use is subject to current licensing requirements and procedures.

In regard to “2”: The suite is part of a complex of buildings with a similar theme; therefore, the building design and color scheme is harmonious and compatible with the surrounding area.

In regard to “3”: A field check did not reveal the presence of any temporary signage.

In regard to “4”: Window signage includes hours of operation, an “open/closed” sign, a list of offered services, and numerous posters and advertisements. Nearly all of the available window space is covered.

In regard to “5”: Hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Friday and 10:00 a.m. to 2:00 p.m. on Saturdays, although mailboxes may be accessed 24 hours a day.

In regard to “6”: The floor plan indicates that the floor area of the suite is 565 square feet. The minimum required floor area is 1,500 square feet.

In regard to “7”: The Auto Title Loan use requires a minimum separation distance of 200 feet from property used or zoned for residential use. The parcel on which the use is located abuts a condominium development (zoned R-PD12) to the south that was first recorded in 1987. The use also requires a 1,000-foot separation from another auto title loan use, auto pawn use or specified financial institution use. One such use is located 100 feet east, across Durango Drive at 8565 West Sahara Avenue, which is in the jurisdiction of Clark County. The measurements are taken from property line to property line.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject location already contains a specified financial institution offering check cashing services that pre-dated the requirement for a Special Use Permit. The proposed Auto Title Loan use requires waivers of the Special Use Permit distance separation requirements from a residential development to the south and an existing auto title loan and check cashing facility on the east side of Durango Drive. In addition, a waiver of the minimum 1,500 square foot floor area standard is required. For these reasons, the proposed use is incompatible with the existing land uses.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The site is physically suitable for an Auto Title Loan use; however, the Code requires distance separation from similar uses to keep the use from becoming too concentrated within a particular area. The subject suite already contains a check cashing operation and holds business licenses for several businesses that are not located on the premises.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Access to the property is provided from Durango Drive, a Primary (100-foot) Arterial street, and Sahara Avenue, a 150-foot Primary Arterial street. There are two driveways from Sahara Avenue and three from Durango Drive. The shopping center also has joint access between the subject site and parcels to the west. These facilities are adequate to meet the requirements of the proposed Auto Title Loan use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Approval of this Special Use Permit would allow further saturation of the use within this area of the city.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use does not meet Condition Number 4 of 19.04.010, as a proliferation of window signage covers the front elevation. Condition Number 6 is not satisfied, as the floor area is 565 square feet. Condition Number 7 is also not satisfied with regard to distance separation from residentially-zoned property and from another auto title loan use. Waivers have been requested of Condition Numbers 6 and 7, but not 4.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 13

NOTICES MAILED 693 by City Clerk

APPROVALS 2

PROTESTS 1